

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CONNECTICUT BANK OF)
COMMERCE)
)
Plaintiff,)
)
v.) Civil Action No. 05-762 (SLR)
)
THE REPUBLIC OF CONGO,)
)
Defendant.)
)

**AF-CAP, INC.'S MOTION
FOR SUMMARY JUDGMENT AGAINST GARNISHEE,
CMS NOMEKO CONGO, INC. (now CMS NOMEKO CONGO LLC)**

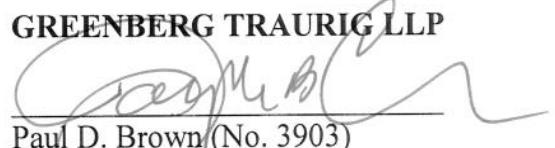
Pursuant to Delaware Superior Court Civil Rule 5 (aa)(2), Af-Cap, Inc. ("Af-Cap"), successor to Plaintiff, Connecticut Bank of Commerce, moves this Court for a personal judgment against Garnishee, CMS Nomeco Congo, Inc. (now CMS Nomeco Congo LLC) ("CMS") for the full value of Af-Cap's judgment against its judgment debtor, the Republic of Congo ("Congo") in the amount of \$13,628,340.11 plus interest and costs. As shown in the accompanying opening brief, in support of this motion, Af-Cap is entitled to judgment against CMS because CMS has failed to timely or properly answer the Writ of Garnishment. Alternatively, Af-Cap is entitled to judgment against CMS because CMS admits to holding property belonging to the Congo, but has not turned that property over to Af-Cap. Accordingly, there are no material facts in dispute and Af-Cap is entitled to judgment as a matter of law.

WHEREFORE, Af-Cap, Inc. respectfully requests that the Court enter summary judgment for the full value of Af-Cap's judgment plus interest and costs against CMS Nomeco, Congo, Inc. (now CMS Nomeco LLC).

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Dated: November 30, 2005

DEL-FS1\151699v01